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10/773,287

02/09/2004

Arto Palin

27592-00837-US

8738

30678

7590

06/02/2009

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EXAMINER

HUANG, WEN WU

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 5/19/09 have been fully considered but they are not persuasive.

Applicants argues that Adachi is completely different from the claim elements noted above, in which "a timing of further data transmission according to the selected frequency hopping pattern is determined based on a time at which the particular condition is met." There is simply no "condition" met in Adachi from whose time (i.e., the time at which the condition is met) a timing of further data transmission is determined; timing in Adachi is determined based on a received timing indication.

The Examiner submits Adachi teaches sending a probe signal and setting the timer 50c (a timing of further data transmission according to the selected frequency hopping pattern) according to whether a probe response signal is received or not. More specifically, Adachi teaches arbitrary setting timer 50c when no probe response signal is received and setting timer 50c based on a time value of a received probe response signal when a probe response is received. See Adachi, col 17, lines 41-60.

Here, the Examiner submits that Adachi teaches arbitrary setting timer 50c based on a time when no probe response signal is received. Also Adachi teaches setting the timer 50c based on a time value of neighboring BS if a probe response signal is received. Here, the Examiner has interpreted whether the probe response signal is received as the particular condition.

Art Unit: 2618

Thus, the Examiner submits that Adachi teaches "a timing of further data transmission according to the selected frequency hopping pattern is determined based on a time at which the particular condition is met."

Furthermore, the Examiner submits that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WEN W. HUANG whose telephone number is (571)272-7852. The examiner can normally be reached on 10am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2618

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/W. W. H./  
Examiner, Art Unit 2618

/Matthew D. Anderson/  
Supervisory Patent Examiner, Art Unit 2618